

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Brian Allen Gardner

Docket No. 5:17-CR-346-1D

Petition for Action on Supervised Release

COMES NOW Cierra M. Wallace, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Brian Allen Gardner, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess With the Intent to Distribute 5 Grams or More of Methamphetamine and a Quantity of Heroin, in violation of 21 U.S.C. §§ 846 and 841(b)(1)(B), was sentenced by the Honorable James C. Dever III, U.S. District Judge, on May 8, 2018, to the custody of the Bureau of Prisons for a term of 48 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

Brian Allen Gardner was released from custody on April 3, 2020, at which time the term of supervised release commenced.

On June 10, 2020, a Petition for Action on Supervised Release was submitted to the court requesting Gardner to participate in mental health treatment. The Court agreed.

On January 14, 2021, a Petition for Action on Supervised Release was submitted to the court reporting Gardner submitted a positive urinalysis and attempted to deceive the probation office. It was requested that he complete in 12 hours of community service. The Court agreed.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On March 22, 2021, the defendant submitted a positive urinalysis for methamphetamine and amphetamine. He admitted to the use and signed an admission of use form.

On April 5, 2021, the defendant submitted a positive urinalysis for methamphetamine and amphetamine. He admitted to the use and signed an admission of use form.

Gardner was admonished for his continued use of illicit substances and cognitive interventions were utilized to encourage improved decision making. The defendant's substance abuse treatment will be increased to address his continual use. Therefore, it is recommended that the court continue supervision and require the defendant to complete an additional 12 hours of community service.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall perform an additional 12 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required fee.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,


I declare under penalty of perjury that the foregoing
is true and correct.

/s/ David W. Leake
David W. Leake
Supervising U.S. Probation Officer

/s/ Cierra M. Wallace
Cierra M. Wallace
U.S. Probation Officer
414 Chestnut Street, Suite 102
Wilmington, NC 28401-4290
Phone: 910-679-2034
Executed On: April 7, 2021

ORDER OF THE COURT

Considered and ordered this 7 day of April, 2021, and ordered filed and made
a part of the records in the above case.


James C. Dever III
U.S. District Judge